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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,666	11/29/2001	Vincent Morin	P 283192 RP-00204-US2	2647
909	7590	11/05/2003	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			ILAN, RUTH	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,666

Applicant(s)

MORIN, VINCENT

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The preliminary amendment of October 17, 2003 is acknowledged.

Election/Restrictions

2. Applicant's election without traverse of Species I- Figure 3 in Paper No. 6 is acknowledged.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the floating disk brake of claim 28 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 24 is objected to because of the following informalities: In claim 24, only the acronym for an all terrain vehicle (ATV) is included in the preamble, which is inconsistent with the rest of the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24- 27 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. (US 6,491,126) in view of Youmans (US 4,081,049) or Schmid (US 3,439,786) Robinson et al. teaches an ATV including four low pressure balloon tires (20,22), a handlebar operatively connected to steer the ATV (inherently) and a saddle (see Figure 1.) Also taught is an engine and transmission (see col. 9, lines 44-51.) As shown in Figure 4, Robinson et al. further teaches a differential (123) and first and second half shafts with first, second, third and fourth joints (111, 114, 121, and 118, see col. 10, line 39- col. 11, line 15.) Robinson et al. further teaches a pair of brake disks (129) and additionally teaches connection via a flanged coupling (131) but fails to teach that the disks are connected to the joints that are the first and third joints, that is those proximate the differential. Youmans teaches that it is desirable to mount the brake disks to the joints located proximate the differential because the braking efficiency is improved (see col. 5, lines 4-15.) Schmid teaches that it is desirable to mount disk brakes to inboard joints to minimize the unsprung weight of the vehicle (see Schmid col. 1, lines 34-59 and Figure 2b.) It would have been obvious to one having ordinary skill in the art at the time of the invention to mount the disk brakes of Robinson et al. to the first and third joints, in order to maximize brake efficiency as taught by Youmans, or to minimize the unsprung weight of the vehicle, as taught by Schmid. Regarding claims

29-31, Robinson et al. fails to specifically disclose a caliper associated with the disk brake. Both Schmid and Youmans teach that it is known to include calipers (Schmid, elements 3,4 and Youmans (21c and 21d.) Regarding the limitation "connected to the differential" and "connected to the frame", as broadly claimed, since the differential and the frame are connected to each other in both relied on references, it is the Examiner's position that both Schmid and Youmans teach calipers connected to the differential and frame, although Youmans shows a direct attachment to the frame and Schmid shows a direct attachment to the differential. It would have been obvious to one having ordinary skill in the art at the time of the invention to include calipers with the disk brakes of Robinson et al., in order to provide for braking engagement with the disks, as taught by both Youmans or Schmid.

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. (US 6,491,126) in view of Youmans (US 4,081,049) or Schmid (US 3,439,786) as applied to claim 24 above, and further in view of Izumine (US 4,848,521.) Robinson et al., Youmans, and Schmid are discussed above, and fail to specifically disclose a floating disk brake. Izumine teaches a floating disk (1) that is useful because it allows changes in the connecting portions due to temperature and stress changes, but keeps the braking surface free from distortion (see col. 1, lines 16-24.) It would have been obvious to one having ordinary skill in the art at the time of the invention to include a floating disk in the ATV of Robinson et al. in view of Schmid or Youmans, in order to keep the surface free from distortion.

Conclusion

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shichinohe et al. teaches an ATV of interest. Burrows, Schultz et al., Horiuchi et al., Mochizuki et al., Grinde and Lottridge teach brakes of interest


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956.

The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ruth Ilan
Examiner
Art Unit 3616


10/29/03

RI
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